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Meeting Notes

Attendees: See Attached List sign up
sheet

Date/Time: February 20, 2002 4:00 PM

Project No.: 50885

Place: Fisk School, Salem

Re: I-93 Salem to Manchester
Corridor Wetland Mitigation

Notes taken by: Jake Tinus/Bruce Tasker

Charlie Hood opened the meeting explaining this meeting is a continuation of the regular monthly Natural Resource Coordination Meeting that the Department holds for various Resource Agencies and at which Department projects are discussed, and comments, questions and input are taken regarding the projects. This meeting this afternoon is to discuss the wetland mitigation under consideration. Because of the importance of the I-93 project and the need to involve the public, the I-93 Resource Agency meetings are being held locally along the corridor. Previous corridor Resource Agency meetings have been held at the West Running Brook School in Derry. Charlie had the Resource Agency personnel introduce themselves, and then turned the floor over to Jeff Brillhart.

Jeff explained the status of the project to date. He noted that impacts due to widening I-93 amount to approximately 50 to 70 acres of wetlands with additional floodplain impacts that need to be mitigated. Jeff noted that as part of the environmental permitting for the project, that a DEIS (Draft Environmental Impact Statement) will be prepared. He explained that the Department and Federal Highway Administration are in the process of reviewing the first draft of the DEIS. Once the DEIS review is complete, dates will be set for Public Informational Meetings to be held in April 2002 in the 5 communities along the corridor. At the informational hearings, the Department's preferred alternative for I-93 construction project will be presented. The format for the Public Hearing(s) to be held during late May or June will be presented. The Public Hearing begins the project's approval process. A critical component to obtaining state and federal regulatory permits for the project is the mitigation package that is assembled to compensate for project impacts to the natural environment. Jeff explained that potential mitigation sites are currently under review by Department and VHB consultants. Jeff then turned the floor over the Bill Barry to describe the status of mitigation package and the process used in site selection.

Bill Barry Presentation

Bill gave an overview of the mitigation selection process and explained the content of the 400-scale I-93 corridor mitigation plan. The plan shows the 4-lane alternative and illustrates the areas of specific wetland and floodplain impacts. Bill explained that the plan also shows other project details, such as the location of the railroad ROW and the stormwater detention/retention basins.

Bill distributed a spreadsheet summarizing 44 sites that were identified as potential mitigation properties. He explained the content and format of the spreadsheet. Bill explained that from the original 44 sites, 21 are still being considered and are shown on the 400-scale plan. The locations still under consideration include two sites that were previously approved as part of the I-93 advanced wetland mitigation undertaken by the Department. Using the spreadsheet and plan, Bill walked the meeting attendees through a description of each of the properties in terms of location, physical description and suitability of a particular site for mitigation i.e. flood storage, preservation or creation. The Resource Agencies were then asked to give feedback on the proposed mitigation properties.

Resource Agency Comments

Rosemary Monihan, EPA, explained that in addition to the direct impacts that would be experienced by the corridor communities, there are additional non-direct or secondary impacts that will be experienced by towns that are outside the immediate project corridor. The secondary impacts are a result of the highway widening facilitating growth in those communities. In terms of a complete mitigation package, the additional secondary impact should be considered.

Mark Kern, EPA, explained that the EPA feels that the long-term impacts that will occur as a result of this project are of greater concern than the impacts to the 50 to 70 acres of wetlands, vernal pools, and the wildlife habitat, etc. that have been identified in the corridor. The areas of concern to the EPA are not located in the highly developed areas along I-93, but in areas outside the corridor that will feel development pressure in the future. Mark stressed that the EPA feels strongly that there is a need to protect areas that would experience development pressures and the resultant secondary impacts, perhaps 20 to 30 years from now. Mark stated that a certain percentage of the mitigation effort should address these additional impacts. Mark suggested that most of the currently proposed mitigation sites do not address the long-term impacts associated with the project. Mark felt that there are more appropriate sites that should be protected from development. These include areas that are adjacent to those land tracts that are currently protected. The areas that have been identified as part of EPA's preliminary evaluation are large blocks of land made up of multiple individual parcels that are largely undeveloped and which generally provide continuity of natural environmental systems and wildlife habitat. Mark described a plan developed by EPA that shows sites currently protected or of high resource value within a 29-town-wide area where secondary impacts could take place due to the project. Mitigation sites that would be more suitable for addressing project impacts are those sites that connect to already protected sites or other large undeveloped areas, thus creating wildlife corridors or connections along streams or to lakes, etc. As an example, he suggested that the Musquash Brook area in Londonderry would be suitable because it connects to a state forest, which is already protected.

Butch Waidelich, FHWA questioned whether there are any properties along the I-93 corridor that are good for long term ecological protection.

Mark noted that there are some, such as the “Southeast lands” west of I-93 near the Windham/ Salem Townline. However, before selecting this site and spending funds, it needs to be determined if the areas around the Southeast lands will be protected or will be developed. If the land abutting mitigation sites is not protected, then the mitigation site will simply be a “green island” in the middle of development and consequently of less long term value. Mark agreed that there are sites that are important to the corridor towns that the EPA would support, but there should be a balance with protection of sites that will provide longer term value.

Frank Deljuidice, ACOE, explained that the ACOE is flexible and will look at all the options. Preservation and creation sites can be appropriate. Frank said that if properties outside the corridor are selected for use for mitigation, it is not clear how the adjacent lands to mitigation properties would be protected to provide the long term ecological integrity as previously stressed.

Gino Infascelli, NHDES, stated that his knowledge of the project and the project’s needs is limited, but his knowledge of Salem leads him to believe that flood storage compensation in Salem is extremely important. He has seen the effects of growth impact the region over the years and the cumulative effect with respect to the how each small development contributes to the runoff especially within smaller watersheds. He would suggest better planning to slow cumulative impacts. He also felt the EPA’s approach had merit and warranted further discussion.

Frank Deljuidice agreed that direct impacts involving floodways and flood storage will need to be compensated. Generally such impacts are compensated on a 1 to 1 basis.

Jeff Brillhart noted that the Department’s position, based on mitigation requirements for other recent projects, has assumed to this point that mitigation must be done as close to the area of impact as possible, with the intent to compensate for the loss to the functions and values associated with the resources impacted.

Jeff said that mitigation efforts thus far have focused on locating sites in close proximity to the corridor, as that is where the direct (and many of the indirect or secondary) impacts occur.

Jeff acknowledged the EPA’s efforts in preparing the regional plan, which identifies sites of largely undeveloped land that could provide continuity of natural environmental systems and wildlife habitat if protected. Jeff thanked the Conservation Commissions from the 5 towns for their input in the process.

He noted that secondary growth is a concern due to the widening of I-93, but questioned the magnitude of secondary impacts that are directly attributable to the project. Jeff noted that the Department’s view based on the Expert Panel’s evaluation is that the secondary impacts will not be as difficult as some might suggest. Jeff said the mitigation that is being discussed at this meeting is required to primarily address the direct impacts associated with widening the highway, and if secondary impacts truly need to be mitigated, then other considerations need to be made to address the issue.

Butch Waideleich, FHWA, stated that the FHWA addresses direct impacts of the project based on the impact and the cost to mitigate. Mitigation for secondary impacts is typically

not provided because it is not known whether the secondary impacts will actually occur. He also noted that the towns themselves affect whether or not secondary impacts will actually occur.

Rosemary Monahan, EPA, explained that EPA reviews the projects on a case-by-case basis and whether secondary impacts need to be mitigated is a decision based on the particular circumstances of the project. She acknowledged that direct and secondary impacts will occur within the 5 corridor municipalities, but its also reasonable to assume that impacts will occur outside the corridor and so some mitigation should be proposed there as well.

Charlie asked if the audience had any questions and comments.

Questions and Comments

Comment: The Windham Conservation Commission (WCC) is concerned that the timeframe is of the essence and that growth in Windham is happening at an accelerated pace. As there is a limited amount of funding and given that Windham is, and will be, impacted directly, it is disconcerting that there is discussion about mitigating in Towns outside the I-93 corridor for secondary impacts that may not even occur. WCC is very interested in protecting the NH 28 corridor including Mitchell Pond and Seavey Pond (both Great Ponds), and the Flat Rock Brook area.

Andrew Manning: The Crystal Lake Preservation Association (CLPA) is opposed to mitigating for secondary impacts in communities outside the I-93 corridor. The City of Manchester needs relief from development occurring now, so that the City will have some natural, open areas. Manchester provides regional support for outlying communities in the form of hospitals, the airport, businesses located in the city, a water supply system, etc., which allows the outlying towns to maintain their rural character. He submitted 3 items for the record, relative to potential mitigation sites located adjacent to the Crystal Lake area that should be considered by the Department.

Todd Connors: The CLPA has identified the lands within the Crystal Lake Watershed that are worth protecting. He described the CPLA's plan and how properties were identified. He requested that specific properties that are associated with the Crystal Lake area be considered as part of the I-93 mitigation package.

Sheri Howell: The Windham Conservation Commission is very concerned about the Castle Reach property, and the Flat Rock Brook Watershed. These large areas should be considered for protection as part of the impacts that will occur within the town due to the widening of I-93. These properties are in the watershed that lead to Canobie Lake that supplies drinking water for Salem. In addition, approximately 1,000 acres in the southeast area of Windham abutting Salem should be considered for preservation.

- Tom Campbell: The Salem Conservation Commission is concerned about the impacts that the rail line will have on all the communities. He noted that Salem changed the Prime Wetland designation of an important wetland area to allow for the highway widening and future rail. He questioned what is Salem getting in return. He also noted that Site #30 would provide valuable flood storage, ballfields, etc., and the cleanup of Site #32 would provide flood storage and affect the whole watershed positively by removing the contamination from the Spicket River watershed. Cleanup of the site has far reaching effects, from which Massachusetts and the Merrimack River Watershed would benefit.
- Steffy DeFries (Manchester Alderman): The City is concerned about the quality of life being lost due to impacts from development. She noted that if the quality of life is diminished, the people who live in the corridor towns will move to the second tier towns and in effect create secondary impacts. Providing mitigation for the corridor communities will enhance the quality of life in these communities, and encourage people to live in these communities.
- George Morin (Salem resident): Brady Avenue residents are very upset about the potential of a rail line going through their back yards. Property values will suffer. Mr. Morin spoke about the meeting notification letter sent by the Department, but noted it was very general and did not truly inform abutters what the impacts to their properties might be. Several other citizens also stated that the Department was not communicating to all those who might be impacted. Many noted that they never got the letter of the November 15, 2001 informational meeting, and had informed each other about the situation.
- Roger Hohenberger (Windham Selectman): The Town of Windham is in favor of the Castle Reach property being purchased as a preservation site, but is concerned with the taking of commercial property for the project in the Exit 3 area which will erode their tax base.
- Bill White: The Derry Conservation Commission proposed the Syviak Farm Property (Site#16) be purchased on a preservation site, as it is located adjacent to the corridor and contains Prime Wetlands. The Syviak site is under tremendous pressure for development, and something needs to be done soon or the property will be lost. He was not aware that sites further removed from the corridor could be considered as potential mitigation sites. The Commission will review what other sites might be appropriate.
- Cynthia Carlson: The Manchester Conservation Commission favors protection of the Crystal Lake and Hackett Hill areas.
- John Smith: South Shore Road residents are concerned about direct impacts associated with drainage swales and noise along their segment of I-93 near the Windham/Salem town line. He questioned the status of the potential sound barrier. He requested compensation for impacts that are direct and suggested secondary impacts are a lesser concern.

- Charlie Hood: The Department will address the status of the sound barriers at all locations along the corridor at the proposed meetings in April. Indications are that a sound barrier will be proposed in the South Shore Road area.
- Wayne Morris: As a Windham Planning Board member Mr. Morris was dismayed that the Resource Agencies are considering mitigation for secondary impacts outside of corridor communities. The communities who are directly impacted should be considered first. The Mitchell Pond is an area very much worth protecting now.
- Dee Clary: The Auburn Conservation Commission is concerned about Massabesic Lake, as it is a very important resource and it's watershed needs to be protected. The buffer needs to be expanded around the Lake soon as development pressure is increasing.
- Cliff Sinnott: Mr. Sinnott (Rockingham Planning Commission) questioned whether there is a budget for mitigation and how is it determined. The priority for mitigation should be to deal with the immediate local impacts first. The package needs to be formulated soon so that the properties under imminent development can be purchased soon.
- Frank Deljuidice Mr. Deljuidice (USACOE) explained that direct impacts associated with flooding have to be mitigated 1:1. Water quality is mitigated for along the project corridor. Wildlife habitat and wetland impacts can be mitigated via some preservation in lieu of creation. Preservation areas will compensate for impacts difficult to quantify or qualify such as edge effects. However, where the preservation takes place is yet to be determined.
- Cliff Sinnott: It seems that flexibility on behalf of the agencies is desirable. The potential sites shown on the plan here today represent a good reservoir of sites to choose from for a variety of reasons.
- Comment: The respondent was interested in getting a copy of the DEIS to review it.
- Charlie Hood: DEIS will available 30-45 days in advance of the Public Hearing which will be held in May or June. Copies will be sent to all the State and Federal Agencies, Town offices, libraries, FHWA, and NHDOT.
- George Sioris (Planning Director): The Town of Derry is concerned because the Syviak property is under considerable pressure to be developed. A number of proposals have been submitted including development for house lots. He stressed that the need to respond to immediate development threats is real. He expressed concern that the EPA and other Agencies would be holding up the process, and then land would become developed.

- Comment: An alternate member for Windham Panning Board asked about availability of funds up front to help with mitigation property purchases.
- Jeff Brillhart: In general, no money is available until the project is approved for construction. However, in an urgent situation, money may be able to be approved in advance. Jeff explained that the Department had looked at the Castle Reach area early on in the project development process for the NH 111 project in Windham and Salem. At the time, the Agencies determined that the area was so sensitive that a roadway would not be allowed. As a consequence, when the Town requested the Department to consider purchasing the property as mitigation for I-93, the Department agreed assuming with confidence that the Agencies would concur, and provide appropriate credit toward a permit. As it turns out, the price has increased tremendously and the Agencies have qualified their support for the site. Therefore the Department has not gone forward with continuing the negotiations with the property owner. It now appears to be prudent to obtain approval for the entire mitigation package prior to purchasing individual sites in advance.
- Cliff Sinnott: Mr. Sinnott suggested that consensus by the Agencies be obtained for specific properties to allow for their purchase before their development.
- Butch Waidelich: FHWA believes an agreement will be reached soon with regard to settling on what mitigation is required for the project. An interagency meeting will be held as part of the environmental streamlining process to address this issue.
- Tom Campbell (Salem Conservation Commission): The Eismont (Site #40) property should be taken out of consideration from the proposed list of properties. The property is on a ballot in Salem for designation as prime wetland. A 100-foot buffer would be established around the prime wetlands greatly limiting potential development. Mr. Campbell suggested that Windham and Pelham do the same with the wetlands located in their Town that connect to the Eismont property wetlands.
- George Morin: Mr. Morin expressed concern about the rail line along the highway. Will the impacts from the rail line be accounted for in the EIS?
- Charlie Hood: Mr. Hood explained that the EIS will address impacts associated with widening the highway. Impacts due to rail line (which may or may not happen) will be addressed in a separate EIS in the future.
- George Morin: Mr. Morin stated that impacts from the rail line should be accounted for now. Property values are affected by the possibility of a future rail line. He also requested that the Department notify the people affected as soon as the Department has more information.

- Jeff Brillhart: Mr. Brillhart explained that the Department has tried, and continues to try, to get the word out on the project. Numerous meetings regarding the project have been held and that the project has been under discussion since 1988. He apologized to those who have not been informed. He explained that the idea of providing space within the corridor for the possibility of rail or some mass transit capability in the future makes sense from a transportation perspective. The actual implementation of rail service will require significant funding and additional studies to consider the need and location of such service. A joint study is proposed with Massachusetts to further determine the extent of transportation needs into the future on a regional basis. Both States are waiting for the money to be allocated to do the study. Stated that the Department is prepared to buy the property necessary for the rail ROW, but approval as part of the public hearing process will be required.
- Comment: It was questioned whether a study has been done to determine the ridership that would occur.
- Jeff Brillhart: A study was done to see if the ridership would be sufficient to eliminate the need to widen I-93. The ridership would not be sufficient to eliminate the need to widen I-93. However, given that this is likely the last time the highway is widened, in twenty years when the highway is nearing full capacity, rail might be a logical solution to the transportation needs.
- Comment: A Brady Avenue resident expressed concern that they will have to live for 10 years knowing that a rail line might be right in their back yard.
- Jeff Brillhart: The money for a new rail line and money for a study to determine if rail is a viable option is not there. Given these realities, and that transportation projects are long-term projects, the idea that a rail line is coming soon is not realistic.
- Comment: A Salem resident heard that there is going to be a state liquor store located nearby on Cross Street. Is this true or a rumor?
- Jeff Brillhart: The Department is unaware of the possibility. An interchange at Cross Street is not proposed.
- Comment: A Salem resident expressed concern about the lack of notification by the Department.
- Jeff Brillhart: If there are people that feel they should have been notified, talk to me after the meeting. The right-of-way Department has researched the properties to be affected by the project. All abutting landowners are to be notified of public informational meetings and the Public Hearing.
- Comment: A Salem resident explained that she bought land recently to have a horse on the property. Now it appears that some of the land might be acquired. This would make the property too small to have a horse on it

in Salem. If property is going to be acquired, when will owners be notified?

Bruce Tasker: Bruce offered to meet with the property owners to try and address their concerns about the impacts after the formal meeting.

Comment: If the Department is planning a project or is going to affect someone's private property, we should be notified.

Meeting attendees came up to ask questions of the Agencies, Department, and consultants. Others viewed the 400-scale plan and asked additional questions.

If the above notes do not agree with your recollection of the meeting, please advise the NHDOT Bureau of Environment within 10 days of receipt.